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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,933	10/31/2000	Craig Mahaney	Sprint-IDF-1499(4000-0250	9940

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/702,933

Applicant(s)

MAHANEY, CRAIG

Examiner

Barry W. Taylor

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace et al (6,647,117 hereinafter Wallace) in view of Gidwani (6,640,239)

Regarding claims 10, 14, 18 and 22. Wallace teaches an apparatus for determining the operational status of an integrated services hub supporting a plurality of telephone lines (Title, abstract), comprising:

a plurality of subscriber line interface circuits (SLIC), the number of SLICs equaling the number of telephone lines ... (col. 1 lines 5-67, columns 2-10);

at least one subscriber line access circuit connected to the SLICs to detect an off-hook condition in the telephone line (col. 2 lines 7-65, col. 3 line 10 – col. 4 line 60, col. 5 line 55 – col. 6 line 57, col. 11 lines 1-19);

a power monitor for monitoring the status of AC power to the integrated services hub (Title, abstract, col. 1 lines 59-63, col. 2 lines 16-23, col. 3 lines 42-56, col. 6 lines 50-57, col. 7 lines 10-53, col. 8 lines 44-63, col. 9 lines 25-34);

a telephony controller, the telephony controller receiving notification from the power monitor regarding the AC power status (Title, abstract, col. 1 lines 59-63, col. 2

lines 16-23, col. 3 lines 42-56, col. 6 lines 50-57, col. 7 lines 10-53, col. 8 lines 44-63, col. 9 lines 25-34).

Wallace does not explicitly show signaling to the user that the AC power has failed.

Gidwani teaches an apparatus and method for intelligent scalable switching (title, abstract) wherein Lifeline Service capability is provided (columns 12-13 and 59-60).  
Gidwani recognizes that prior art life line services are carried only over the pots lines (col. 12 lines 17-18) power via central office life line. Gidwani provides power management at the Customer Premise side (col. 12 line 57-59) by using battery backup circuitry that is automatically charged during times when power is available to the system (col. 13 lines 1-33). Gidwani discloses that subscriber is notified when power failure occurs (see col. 13 lines 24-33 wherein indicator used to notify user of battery backup in a power outage condition, see columns 59-60 wherein subscriber is specifically notified that central office is in a lifeline services only mode and consequently no data or video services are enabled, as well as, given specific reason why power failure occurred).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Wallace to employ power management at the Customer Premise as taught by Gidwani for the benefit of providing subscribers with voice or IP.

Regarding claims 11-12, 15-16, 19-20 and 23-24. Gidwani notifies subscriber when power failure occurs (see col. 13 lines 24-33 wherein indicator used to notify user

of battery backup in a power outage condition, see columns 59-60 wherein subscriber is specifically notified that central office is in a lifeline services only mode and consequently no data or video services are enabled, as well as, given specific reason why power failure occurred).

Regarding claims 13, 21 and 25. Wallace teaches wherein the telephony controller and the power monitor are software components (abstract, figure 1, col. 1 lines 59-63, col. 2 lines 7-37, col. 6 lines 53-57, col. 7 lines 10-31).

Regarding claim 17. Wallace teaches wherein the telephony controller and the power monitor are software components (abstract, figure 1, col. 1 lines 59-63, col. 2 lines 7-37, col. 6 lines 53-57, col. 7 lines 10-31).

Method claims 1-4 are rejected for the same reasons as apparatus claims 10-13 since the recited apparatus would perform the claimed steps.

Method claims 5-9 are rejected for the same reason as apparatus claims 14-17 since the recited apparatus would perform the claimed steps.

### ***Response to Arguments***

2. Applicant's arguments filed 7/5/06 have been fully considered but they are not persuasive.

a) Regarding Applicants remarks on page 10, paper dated 7/5/06 wherein Applicants contend that "Since it is clear that Wallace does not provide batteries, or any other power source, in the CPE for backup power, it is possible that the Examiner

considers the conventional POTS line feed down the subscriber line to constitute backup power to the CPE."

The Examiner disagrees with Applicants. First of all, Applicants independent claims 1 and 5 are extremely basic in nature. Wallace figure 1 clearly shows AC power feed (item 355) used to charge reservoir capacitors just in case power failure occurs.

b) Next, Applicants argue that Wallace reservoir capacitors are not the same as or equivalent to batteries (see bottom of page 12, paper dated 7/5/06).

The Examiner disagrees. Wallace uses AC power feed 355 to charge battery (i.e. reservoir capacitors) just in case power failure occurs. If this were not true, Wallace would not need reservoir capacitors because power would be fed down the line like conventional Fail-To-POTS systems.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Centralized Delivery Policy:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph

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Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor  
Art Unit 2617



Barry W. Taylor  
BARRY TAYLOR  
PRIMARY EXAMINER